



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2004-00786-J1
Issue Date: August 19, 2004
Expiration Date: September 17, 2004

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

APPLICANT: S.T. Services - Linden Terminal
4501 Tremley Point Road
Linden, NJ 07036

ACTIVITY: Maintenance Dredge with Upland Disposal

WATERWAY: Arthur Kill

LOCATION: City of Linden, Union County, New Jersey

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,
otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight

CENAN-OP-RE
PUBLIC NOTICE NO. 2004-00786-J1

as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Based upon a review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States", issued by the National Oceanic and Atmospheric Administration/NMFS, the EFH for several aquatic species and their life stages such as red hake (eggs, larvae and juveniles), winter flounder (all life stages), windowpane (all life stages), bluefish (juveniles and adults), Atlantic butterfish (larvae, juveniles and adults), Atlantic mackerel (juveniles and adults), black sea bass (juveniles and adults), summer flounder (larvae, juveniles and adults), scup (all life stages), king mackerel, cobia and Spanish mackerel (all life stages) and sandbar shark (subadults and adults) in the proposed project area could potentially be impacted by the proposed work. A complete description of the project is given in the attached Work Description.

Upon review of the physical conditions of the project and potential impacts of the project on the above listed species and their EFH, the District Engineer has determined that with the exception of winter flounder, the project's impacts would be temporary and the adverse effect on EFH would be no more than minimal due to the pelagic nature of the species and the expected recolonization of the benthic community that provides a forage base for the federally managed species. The proposed maintenance dredging would mostly impact the early life stages of winter flounder because of their physical characteristic. Consultation with NMFS regarding impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.


In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

New Jersey Department of Environmental Protection Permit

CENAN-OP-RE
PUBLIC NOTICE NO. 2004-00786-J1

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3912 and ask for Sophie Ettinger.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


for Richard L. Tomer
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RE
PUBLIC NOTICE NO. 2004-00786-J1**

WORK DESCRIPTION

The applicant, S.T. Services - Linden Terminal, has requested Department of the Army authorization to dredge, with ten years maintenance and subsequent upland disposal, at their Linden Terminal facility along the Arthur Kill, Town in the City of Linden, Union County, New Jersey.

The work would involve dredging at the following three separate berthing areas:

A) Ship Berth, an area of approximately 19,425 square feet would be dredged to a depth of 37 feet below mean low water with an allowable 2-foot overdepth.

B) Barge Berth, an area of approximately 17,974 square feet would be dredged to a depth of 26 feet below mean low water with an allowable 2-foot overdepth.

C) Rosselle Sewage Authority, an area approximately 28,920 square feet would be dredged to a depth of 20 feet below mean low water with an allowable 2-foot overdepth.

Overall, the total proposed volume to be dredged would be approximately 10,000 cubic yards of material.

One additional dredging event is expected over the ten year life of permit, removing approximately 10,000 cubic yards of material.

Dredging would be performed using an environmental bucket. The dredge material would be loaded into scows and then transported to the Clean Earth Dredging Technologies, Inc. (Jersey City, NJ) for processing. The dredge material would be dewatered, amended, loaded onto trucks and transported to the former Kopper's Site (Port Reading, New Jersey). The amended dredge material would be offloaded and used in the process of capping of the site.

Barge overflow and decanting of excess water are not anticipated.

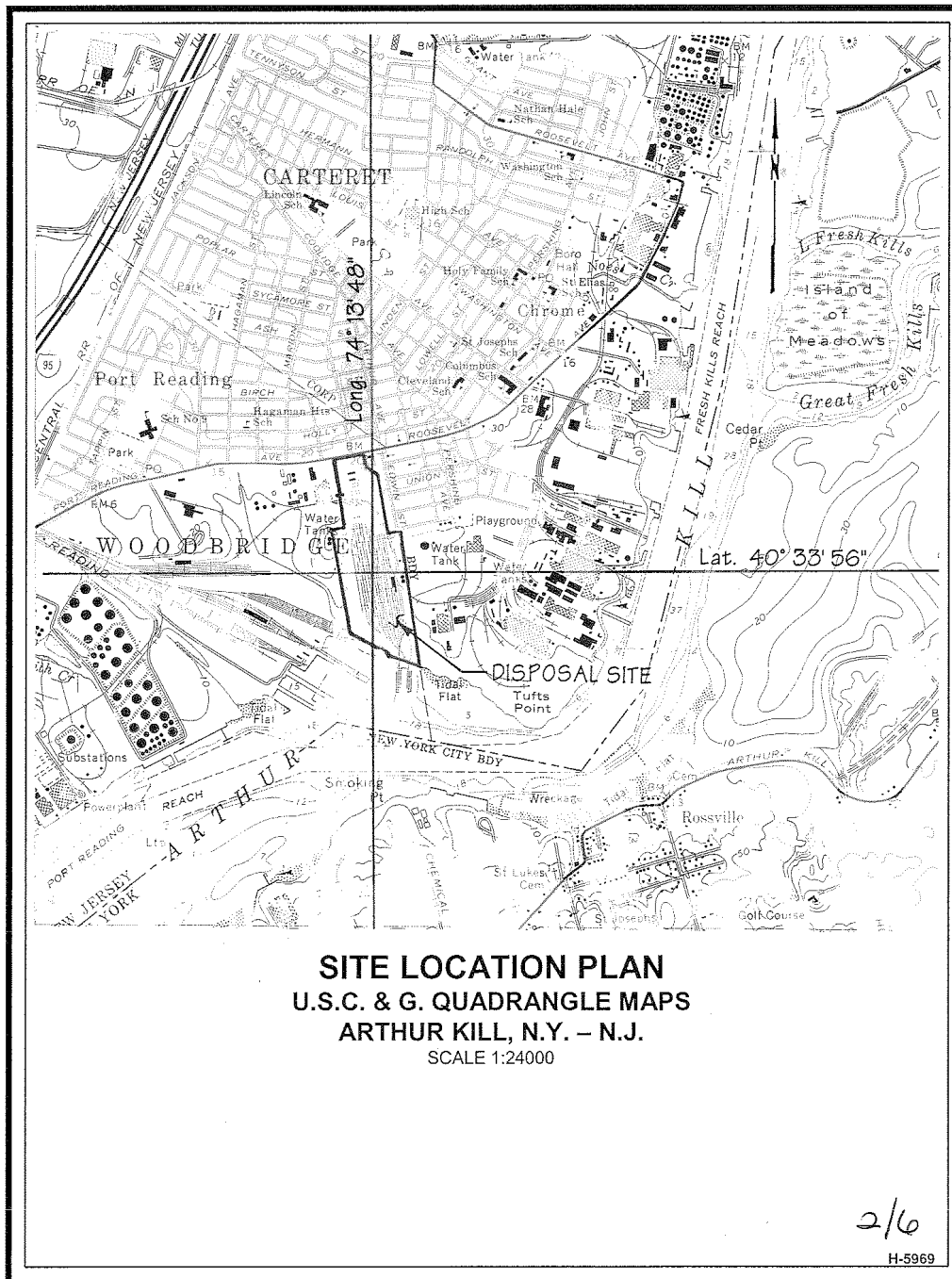
The stated purpose of this project is to provide adequate depths of water for safe berthing at the applicant's facility.



SCALE 1:24000

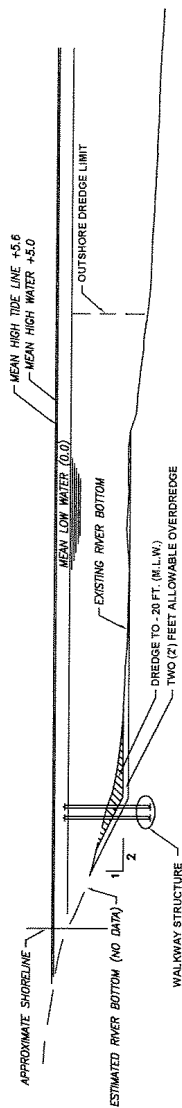
16

H-5949




ROSELLE SEWER AUTHORITY

STATION 0 + 50 S



CROSS-SECTION "A"
SCALE: 1" = 50.0'
1 of 4 2 of 4

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION

S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS

840 Cooper Street
P.O. Box 9106
Camden, N.J. 08101
Fax No. 856-342-8323 856-342-8600

FILE No. S-2068
CONTRACT No. H-5969
DATE 11/24/03
SHEET No. 4 of 6

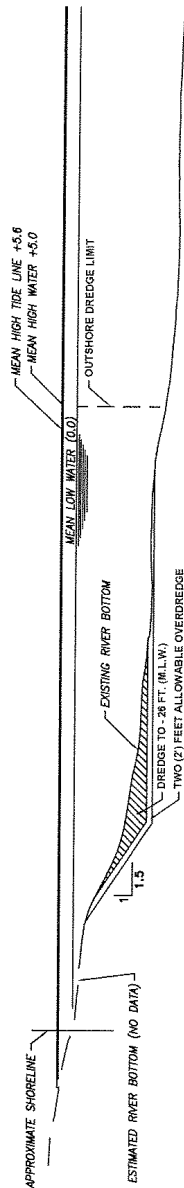
PROPOSED: MAINTENANCE DREDGING

AT: ARTHUR KILL, LINDEN, NEW JERSEY

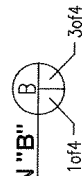
COUNTY OF: UNION COUNTY, NJ

APPLICATION BY: ST SERVICES - LINDEN TERMINAL

ST SERVICES - BARGE BERTH
STATION 7 + 50 S



CROSS-SECTION "B"
SCALE: 1" = 50.0'



NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION

S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS



Fax No. 856-342-8323

840 Cooper Street
P.O. Box 9106
Camden, N.J. 08101
856-342-6600

FILE No. S-2068

CONTRACT No. H-5969

DATE 11/24/03

SHEET No. 5 of 6

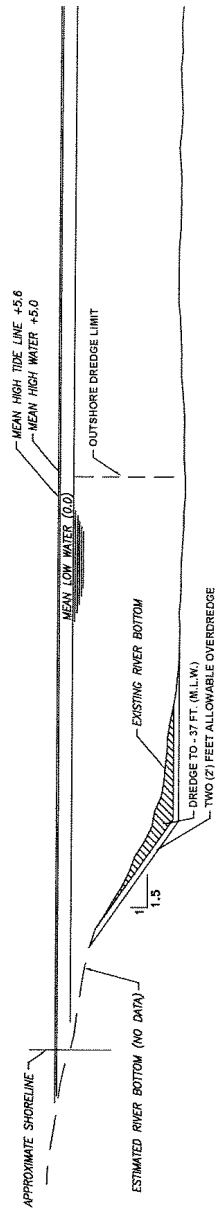
PROPOSED: MAINTENANCE DREDGING

AT: ARTHUR KILL, LINDEN, NEW JERSEY

COUNTY OF: UNION COUNTY, NJ

APPLICATION BY: ST SERVICES - LINDEN TERMINAL

ST SERVICES - SHIP BERTH
STATION 4 + 00 S



CROSS-SECTION "C"
SCALE: 1" = 50.0'
1 of 4
4 of 4

NOTE: FINAL DESIGN REQUIRED FOR CONSTRUCTION

S.T. HUDSON ENGINEERS, INC.
PROFESSIONAL ENGINEERS & CONSULTANTS
840 Cooper Street
P.O. Box 9106
Camden, N.J. 08101
Fax No. 856-342-8323 856-342-6600

FILE No. S-2068
CONTRACT No. H-5969
DATE 11/24/03
SHEET No. 6 of 6

PROPOSED: MAINTENANCE DREDGING
AT: ARTHUR KILL, LINDEN, NEW JERSEY
COUNTY OF: UNION COUNTY, NJ
APPLICATION BY: ST SERVICES - LINDEN TERMINAL